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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1924.

No. 12, Original.

THE STATE OF NEW MEXICO, COMPLAINANT,

vs.

THE STATE OF COLORADO.

PROPOSED DECREE OF THE STATE OF COLORADO, DEFENDANT.

WILLIAM L. BOATRIGHT,
Attorney General of the State of Colorado.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1924.

No. 12, Original.

THE STATE OF NEW MEXICO

vs.

THE STATE OF COLORADO.

PROPOSED DECREE BY THE STATE OF COLORADO.

This cause having heretofore been heard and submitted, and the court, after consideration, having announced its conclusions in an opinion delivered January 26, 1925, it is now *ordered*, *adjudged*, and *decreed*:

1. That the true boundary line between the States of New Mexico and Colorado is that portion of the line surveyed and marked by John J. Major, U. S. Surveyor and Astronomer, in the year 1874, which was in the year 1900 retraced and remarked by Levi S. Preston, U. S. Deputy Surveyor, from what is known as the Preston Monument on the Cimarron

Meridian, westwardly to the monument established in the year 1859 by Capt. J. N. Macomb as and for the intersection of the one hundred and third meridian of longitude west from Greenwich with the thirty-seventh parallel of north latitude; together with the line surveyed, established and marked in the year 1868 by Ehud N. Darling, U. S. Surveyor and Astronomer, westwardly from said Macomb Monument to the eleventh astronomical monument placed by said Darling on the one hundred and ninth meridian of longitude west from Greenwich, and at which point is located the common corner of the States of Utah, Arizona, New Mexico, and Colorado.

2. That said Major-Preston and Darling line be restored, resurveyed and remarked by two commissioners to be named by the court upon suggestion of counsel, and in case of failure of counsel to agree on such commissioners within sixty days from this date, such commissioners to be selected and appointed by the court. In either event the work of such commissioners shall be subject to the approval of the court.

3. That the commissioners shall restore the original boundary line between the two States, as fixed and marked by said Major-Preston and Darling surveys, by relocating and permanently remarking with suitable monuments the positions of the astronomical monuments and mile corners thereof. From the 203d mile corner to the eighth astronomical monument of said Darling survey, the locations of the mile corners and of the seventh astronomical monument of said Darling survey, as restored and marked in the year 1917 under the direction and with the approval of the Commissioner of the General Land Office by Wm. C. Perkins,

U. S. Surveyor, in his restoration and resurvey of this portion of the original boundary, shall be adopted and accepted. The commissioners will obliterate all evidences of corners and monuments set by Howard B. Carpenter, U. S. Surveyor, in the years 1902 and 1903, under the direction of the Commissioner of the General Land Office, between said Preston Monument and the southwest corner of Colorado. Said commissioners are authorized to adopt all ordinary and legitimate methods in the ascertainment of the true location of said original boundary line, including the taking of evidence under oath and calling for papers and documents, but in the event evidence is taken the parties shall be notified and permitted to be present and cross-examine the witnesses; and all evidence taken by the commissioners and all exceptions thereto and action thereon shall be preserved and certified and returned with their report. Said commissioners are also at liberty to refer to and consult the printed record in the cause so far as they may think proper to enable them to discharge their duties under this decree.

Before entering upon their work, the commissioners shall take an oath to perform their duties faithfully and impartially. They shall prosecute the work with all convenient dispatch, shall have authority to employ such assistants and incur such expenses as may be necessary, and upon completion of their labors, they shall make and file with the clerk of this court their full and complete report, and shall furnish a copy of such report to the Governor of each of said States. They shall include in their report a statement of the work done and of the time spent and the expenses incurred.

4. That the bill of complaint of the State of New Mexico be, and the same is, hereby dismissed.

5. That all the costs in this case, as the same shall be taxed by the clerk of this court, and the costs of executing this decree, including the compensation of the commissioners, shall be borne in equal parts by the State of New Mexico and the State of Colorado.

WILLIAM L. BOATRIGHT,
Attorney General of Colorado,
Counsel for Defendant.